

**EXPRESS MAIL RECEIPT NO. EV336512177US
DEPOSITED ON: July 10, 2003**

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Donald E. Weder Dkt. No.: 8403.916
Application No.: Not Yet Assigned Art Unit: Unknown
Filed: Herewith Examiner: Unknown

**For: PLANT PACKAGE WITH FLORAL WRAPPER
WITH DECORATIVE PORTION**

**Mail Stop PATENT APPLICATION
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

INFORMATION DISCLOSURE STATEMENT

**List of Sections Forming Part of This
Information Disclosure Statement**

The following sections are being submitted for this Information Disclosure Statement:

1. ☒ Preliminary Statements
2. ☒ Form PTO-1449 (Modified)
3. ☒ Statements as to Information Not Found in Patents or Publications (Information not listed in PTO 1449 (Modified))
4. ☒ Identification of Prior Application In Which Listed Information Was Already Cited and for Which No Copies Are Submitted Or Need to Be Submitted
5. ☒ Copies of Listed Information Items Accompanying this Statement.

6. ☒ Identification of Person(s) Making this Information Disclosure Statement

Section 1. Preliminary Statements

Applicant submits herewith patents, publications or other information of which he is aware, which he believes may be material to the examination of this application and in respect of which there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 2. Form PTO-1449 (Modified)

☒ A completed Form 1449 (Modified) is attached hereto.

☐ No Form 1449 (Modified) is attached.

Section 3. Statements as to Information Not Found in Patents or Publications (Information not listed in PTO 1449 (Modified))

It is old in the art to form a sheet of material about a flower pot or floral grouping and then place an elastic band around the sheet of material to hold the sheet in place about the flower pot or floral grouping. In some instances, the band has been positioned about the outer surface of the pot with the sheet of material positioned between the band and the flower pot. In some instances, the band has been positioned above the upper end of the pot thereby causing a portion of the sheet of material to be forced inwardly over the upper end of the pot. It is also known to put potted plants in grocery bags.

It is also old in the art to form a sheet of material into a conically shaped tube like member referred to commonly in the art as a sleeve. A floral grouping

or flower pot with flowers therein can be disposed through the larger open end of the sleeve, wherein the sleeve covers the floral grouping or the flower pot and extends above and around the flowers in the floral grouping or flower pot.

It is also old in the art that cut flowers have been wrapped with the following materials or combinations of materials:

1. Kraft paper plus waxed or unwaxed tissue paper with the flowers being placed next to the waxed paper or tissue paper.
2. Kraft paper plus newspaper plus waxed or unwaxed tissue with the flowers being placed next to the waxed or unwaxed tissue. These three materials have been used to wrap flowers in various combinations such as Kraft paper plus newspaper or Kraft paper plus waxed or unwaxed tissue paper or newspaper plus waxed or unwaxed tissue paper.
3. Waxed or unwaxed tissue paper, polymer films and Kraft paper (treated for water resistance or wet strength or untreated).
4. Polymer film and waxed tissue paper.

Section 4. Identification of Prior Application In Which Listed Information Was Already Cited and for Which No Copies Are Submitted Or Need Be Submitted

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. 10/446,498, filed on May 27, 2003 (date).

(complete the following, if applicable)

- [] This application also relies, under 35 U.S.C. 120, on the earlier filing date of prior application Serial No. _____, filed on _____ (date).

Section 5. Copies of Listed Information Items Accompanying this Statement

- [x] Legible copies of all items listed in Form PTO-1449 (Modified) accompany this information disclosure statement.

☐ Exception(s) to above:

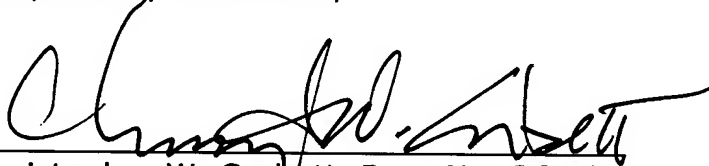
☐ Items in prior application from which an earlier filing date is claimed for this application, as identified in Section 4.

Section 6. Identification of Person(s) Making this INFORMATION DISCLOSURE STATEMENT

The person making this statement is the attorney who signs below on the basis of the information:

- ☐ supplied by the inventor(s)
- ☐ supplied by an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c)).
- ☒ in the attorney's file

Respectfully submitted,



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Agent for Applicant

FORM PTO-1449

(Fill-A-Form 7.92)

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT***(Use several sheets if necessary)*

Attorney's Docket Number

8403.916

Serial Number

Not Yet AssignedApplicant **D nald E. Weder**Filing Date **Herewith**

Group

U. S. PATENT DOCUMENTS

| EXAM INIT. | | PATENT NUMBER | | | | | | | ISSUE DATE | PATENTEE | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------|----|---------------|---|---|---|---|---|---|------------|--------------------|-------|----------|-------------------------------|
| | AA | | 5 | 2 | 4 | 2 | 1 | 9 | 08/07/1894 | Schmidt | | | |
| | AB | | 7 | 3 | 2 | 8 | 8 | 9 | 07/07/1903 | Paver | | | |
| | AC | | 9 | 5 | 0 | 7 | 8 | 5 | 03/01/1910 | Pene | | | |
| | AD | 1 | 0 | 4 | 4 | 2 | 6 | 0 | 11/12/1912 | Schloss | | | |
| | AE | 1 | 0 | 6 | 3 | 1 | 5 | 4 | 05/27/1913 | Bergen | | | |
| | AF | 1 | 4 | 4 | 6 | 5 | 6 | 3 | 02/27/1923 | Hughes | | | |
| | AG | 1 | 5 | 2 | 0 | 6 | 4 | 7 | 12/23/1924 | Hennigan | | | |
| | AH | 1 | 5 | 2 | 5 | 0 | 1 | 5 | 02/03/1925 | Weeks | | | |
| | AI | 1 | 6 | 1 | 0 | 6 | 5 | 2 | 12/14/1926 | Bouchard | | | |
| | AJ | 1 | 6 | 9 | 7 | 7 | 5 | 1 | 01/01/1929 | Blake | 229 | 87 | |
| | AK | 1 | 7 | 9 | 4 | 2 | 1 | 2 | 01/18/1929 | Snyder | | | |
| | AL | 2 | 2 | 0 | 0 | 1 | 1 | 1 | 05/07/1940 | Bensel | 229 | 1.5 | |
| | AM | 2 | 2 | 7 | 8 | 6 | 7 | 3 | 04/07/1942 | Savada et al. | 154 | 43 | |
| | AN | 2 | 3 | 0 | 2 | 2 | 5 | 9 | 11/17/1942 | Rothfuss | 41 | 10 | |
| | AO | 2 | 3 | 5 | 5 | 5 | 5 | 9 | 08/08/1944 | Renner | 229 | 8 | |
| | AP | 2 | 3 | 7 | 1 | 9 | 8 | 5 | 03/20/1945 | Freiberg | 206 | 46 | |
| | AO | 2 | 5 | 1 | 0 | 1 | 2 | 0 | 06/06/1950 | Leander | 117 | 122 | |
| | AR | 2 | 5 | 2 | 9 | 0 | 6 | 0 | 11/07/1950 | Trillich | 117 | 68.5 | |
| | AS | 2 | 6 | 2 | 1 | 1 | 4 | 2 | 12/09/1952 | Wetherell | 154 | 117 | |
| | AT | 2 | 8 | 4 | 6 | 0 | 6 | 0 | 08/05/1958 | Yount | 206 | 58 | |
| | AU | 2 | 9 | 8 | 9 | 8 | 2 | 8 | 06/27/1961 | Warp | 53 | 390 | |
| | AV | 3 | 2 | 9 | 3 | 1 | 0 | 0 | 08/27/1963 | Questel | 156 | 314 | |
| | AW | 3 | 2 | 7 | 1 | 9 | 2 | 2 | 09/13/1966 | Wallerstein et al. | 53 | 3 | |

U. S. PATENT DOCUMENTS

| EXAM INIT. | | PATENT NUMBER | | | | | | | ISSUE DATE | PATENTEE | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------|-----|---------------|---|---|---|---|---|---|------------|--------------------|-------|----------|-------------------------------|
| | BA | 3 | 3 | 1 | 6 | 6 | 7 | 5 | 05/02/1967 | Cartwright, Jr. | | | |
| | BB | 3 | 3 | 2 | 2 | 3 | 2 | 5 | 05/30/1967 | Bush | 229 | 62 | |
| | BC | 3 | 3 | 7 | 6 | 6 | 6 | 6 | 04/09/1968 | Leonard | 47 | 41 | |
| | BD | 3 | 5 | 0 | 8 | 3 | 7 | 2 | 04/28/1970 | Wallerstein et al. | 53 | 3 | |
| | BE | 3 | 9 | 6 | 2 | 5 | 0 | 3 | 06/08/1976 | Crawford | 428 | 40 | |
| | BF | 4 | 0 | 4 | 3 | 0 | 7 | 7 | 08/23/1977 | Stonehocker | 47 | 66 | |
| | BG | 4 | 1 | 8 | 9 | 8 | 6 | 8 | 02/26/1980 | Tymchuck et al. | 47 | 84 | |
| | BH | 4 | 2 | 1 | 6 | 6 | 2 | 0 | 08/12/1980 | Weder et al. | 47 | 72 | |
| | BI | 4 | 2 | 9 | 7 | 8 | 1 | 1 | 11/03/1981 | Weder | 47 | 72 | |
| | BJ | 4 | 3 | 3 | 3 | 2 | 6 | 7 | 06/08/1982 | Witte | 47 | 84 | |
| | BK | 4 | 4 | 1 | 3 | 7 | 2 | 5 | 11/08/1983 | Bruno et al. | 206 | 45.33 | |
| | BL | D | 2 | 7 | 9 | 2 | 7 | 9 | 06/18/1985 | Wagner | D11 | 143 | |
| | BM | 4 | 6 | 2 | 1 | 7 | 3 | 3 | 11/11/1986 | Harris | 206 | 423 | |
| | BN | 4 | 6 | 4 | 0 | 0 | 7 | 9 | 02/03/1987 | Stuck | 53 | 390 | |
| | BO | 4 | 7 | 3 | 3 | 5 | 2 | 1 | 03/29/1988 | Weder et al. | 53 | 580 | |
| | BP | 4 | 7 | 7 | 3 | 1 | 8 | 2 | 09/27/1988 | Weder et al. | 47 | 72 | |
| | BQ | 4 | 8 | 0 | 1 | 0 | 1 | 4 | 01/31/1989 | Meadows | 206 | 423 | |
| | BR | 4 | 8 | 3 | 5 | 8 | 3 | 4 | 06/06/1989 | Weder | 29 | 525 | |
| | BS | 4 | 9 | 8 | 0 | 2 | 0 | 9 | 12/25/1990 | Hill | 428 | 34.1 | |
| | BT | 4 | 9 | 8 | 9 | 3 | 9 | 6 | 02/05/1991 | Weder et al. | 53 | 397 | |
| | BU | 5 | 0 | 0 | 7 | 2 | 2 | 9 | 04/16/1991 | Weder et al. | 53 | 397 | |
| | BV | 5 | 0 | 7 | 3 | 1 | 6 | 1 | 12/17/1991 | Weder et al. | 493 | 154 | |
| | BW | 5 | 0 | 7 | 6 | 0 | 1 | 1 | 11/1991 | Stehouwer | 47 | 72 | |
| | BX | 5 | 1 | 0 | 5 | 5 | 9 | 9 | 04/21/1992 | Weder | 53 | 399 | |
| | BY | 5 | 1 | 1 | 1 | 6 | 3 | 8 | 05/12/1992 | Weder | 53 | 397 | |
| | BZ | 5 | 1 | 2 | 0 | 3 | 8 | 2 | 06/09/1992 | Weder | 156 | 212 | |
| | BZA | 5 | 1 | 5 | 2 | 1 | 0 | 0 | 10/06/1992 | Weder et al. | 47 | 72 | |

U. S. PATENT DOCUMENTS

| EXAM INIT. | | PATENT NUMBER | | | | | | | ISSUE DATE | PATENTEE | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------|-----|---------------|---|---|---|---|---|---|------------|-----------------|-------|----------|-------------------------------|
| | CA | 5 | 1 | 8 | 1 | 3 | 6 | 4 | 01/26/1993 | Weder | 53 | 397 | |
| | CB | 5 | 1 | 9 | 9 | 2 | 4 | 2 | 04/06/1993 | Weder et al. | 53 | 397 | |
| | CC | 5 | 2 | 0 | 5 | 1 | 0 | 8 | 04/27/1993 | Weder et al. | 53 | 397 | |
| | CD | 5 | 2 | 2 | 8 | 2 | 3 | 4 | 07/20/1993 | de Klerk et al. | 47 | 41.01 | |
| | CE | 5 | 2 | 3 | 5 | 7 | 8 | 2 | 08/17/1993 | Landau | 47 | 72 | |
| | CF | 5 | 2 | 3 | 9 | 7 | 7 | 5 | 08/31/1993 | Landau | 47 | 72 | |
| | CG | 5 | 3 | 0 | 7 | 6 | 0 | 6 | 05/03/1994 | Weder | 53 | 410 | |
| | CH | 5 | 3 | 1 | 5 | 7 | 8 | 5 | 05/31/1994 | Avôt et al. | 47 | 72 | |
| | CI | 5 | 3 | 5 | 3 | 5 | 7 | 5 | 10/11/1994 | Stepanek | 53 | 461 | |
| | CJ | 5 | 3 | 6 | 1 | 4 | 8 | 2 | 11/08/1994 | Weder et al. | 29 | 469 | |
| | CK | 5 | 3 | 8 | 8 | 6 | 9 | 5 | 02/14/1995 | Gilbert | 206 | 423 | |
| | CL | 5 | 4 | 2 | 8 | 9 | 3 | 9 | 04/04/1995 | Weder et al. | 53 | 397 | |
| | CM | 5 | 4 | 4 | 3 | 6 | 7 | 0 | 08/22/1995 | Landau | 156 | 191 | |
| | CN | 5 | 4 | 9 | 3 | 8 | 0 | 9 | 02/27/1996 | Weder et al. | 47 | 72 | |
| | CO | 5 | 4 | 9 | 6 | 2 | 5 | 1 | 03/05/1996 | Cheng | 493 | 224 | |
| | CP | 5 | 4 | 9 | 6 | 2 | 5 | 2 | 03/05/1996 | Gilbert | 493 | 224 | |
| | CQ | D | 3 | 6 | 8 | 0 | 2 | 5 | 03/19/1996 | Sekerak et al. | D9 | 305 | |
| | CR | 5 | 5 | 5 | 1 | 5 | 7 | 0 | 09/03/2001 | Shaffer et al. | 206 | 575 | |
| | CS | 5 | 5 | 7 | 2 | 8 | 4 | 9 | 11/12/1996 | Weder et al. | 53 | 399 | |
| | CT | 5 | 5 | 7 | 2 | 8 | 5 | 1 | 11/12/1996 | Weder | 53 | 399 | |
| | CU | 5 | 5 | 9 | 6 | 8 | 6 | 2 | 01/28/1997 | Weder | 53 | 397 | |
| | CV | 5 | 6 | 3 | 6 | 4 | 9 | 3 | 06/10/1997 | Weder | 53 | 397 | |
| | CW | 5 | 6 | 4 | 7 | 1 | 6 | 8 | 07/15/1997 | Gilbert | 47 | 72 | |
| | CX | 5 | 6 | 4 | 7 | 1 | 9 | 3 | 07/15/1997 | Weder et al. | 53 | 465 | |
| | CY | 5 | 6 | 5 | 3 | 0 | 8 | 9 | 08/05/1997 | Weder | 53 | 397 | |
| | CZ | 5 | 7 | 1 | 5 | 9 | 4 | 4 | 02/10/1998 | Windisch | 206 | 423 | |
| | | 5 | 7 | 4 | 0 | 6 | 5 | 5 | 04/21/1998 | Weder | 53 | 397 | |
| | CZA | 5 | 7 | 8 | 2 | 0 | 5 | 7 | 07/21/1998 | Weder | 53 | 397 | |

U. S. PATENT DOCUMENTS

| EXAM INIT. | | PATENT NUMBER | | | | | | | ISSUE DATE | PATENTEE | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------|-----|---------------|---|---|---|---|---|---|------------|----------|-------|----------|-------------------------------|
| | CZB | 5 | 8 | 1 | 6 | 0 | 2 | 1 | 10/06/1998 | Weder | 53 | 397 | |
| | DA | D | 4 | 0 | 4 | 6 | 8 | 4 | 01/26/1999 | Shea | D11 | 164 | |
| | DB | 5 | 9 | 2 | 4 | 2 | 4 | 1 | 07/1999 | Hodge | 47 | 72 | |
| | DC | 5 | 9 | 6 | 6 | 8 | 6 | 6 | 10/1999 | Ferguson | 47 | 41.01 | |
| | DD | 5 | 9 | 7 | 4 | 7 | 3 | 0 | 11/02/1999 | Chien | 47 | 41.01 | |
| | | 6 | 0 | 5 | 2 | 9 | 6 | 8 | 04/25/2000 | Weder | 53 | 397 | |
| | DE | 6 | 0 | 9 | 8 | 3 | 3 | 6 | 08/08/2000 | Ferguson | 206 | 423 | |
| | DF | 6 | 1 | 2 | 9 | 2 | 0 | 8 | 10/10/2000 | Ferguson | 206 | 423 | |
| | DG | 6 | 1 | 8 | 2 | 3 | 9 | 5 | 02/2001 | Weder | 47 | 72 | |

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

| EXAM INIT. | | DOCUMENT NUMBER | | | | | | | PUBLICATION DATE | COUNTRY OR PATENT OFFICE | CLASS | SUBCLASS | Translation | |
|---------------|----|-----------------|---|---|---|---|---|---|------------------|-----------------------------|-------|----------|-------------|----|
| | | | | | | | | | | | | | YES | NO |
| | DH | 4 | 2 | 3 | 1 | 9 | 7 | 8 | 06/21/1979 | Australia | | | | |
| | DI | | 6 | 5 | 4 | 4 | 2 | 7 | 01/02/1965 | Belgium | | | X | |
| | DJ | 0 | 0 | 5 | 0 | 9 | 9 | 0 | 05/05/1982 | EPO | | | X | |
| | DK | 2 | 1 | 3 | 7 | 3 | 2 | 5 | 12/29/1972 | France | | | X | |
| | DL | 2 | 5 | 6 | 7 | 0 | 6 | 8 | 07/05/1984 | France | | | X | |
| | DM | 2 | 6 | 1 | 9 | 6 | 9 | 8 | 03/1989 | France | | | X | |
| | DN | | | 1 | 5 | 5 | 5 | 0 | 06/02/1900 | Germany | | | X | |
| | DO | | 5 | 1 | 3 | 9 | 7 | 1 | 11/27/1930 | Germany | | | X | |
| | DR | 1 | 1 | 6 | 6 | 6 | 9 | 2 | 03/26/1964 | Germany | | | X | |
| | DO | 3 | 9 | 1 | 1 | 8 | 4 | 7 | 10/25/1990 | Germany | | | X | |
| | DR | | 2 | 2 | 4 | 5 | 0 | 7 | 04/30/1996 | Italy | | | X | |
| | DS | | 5 | 4 | 2 | 9 | 5 | 8 | 02/23/1993 | Japan | | | X | |
| | DT | 8 | - | 1 | 9 | 3 | 3 | 4 | 01/23/1996 | Japan | | | X | |
| | DU | | 5 | 6 | 0 | 5 | 3 | 2 | 04/15/1975 | Switzerland | | | X | |
| | DV | 2 | 0 | 5 | 6 | 4 | 1 | 0 | 03/18/1981 | United Kingdom | | | | |

| FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION | | | | | | | | | | | | | | |
|--|----|-----------------|----|---|---|---|---|---|------------------|-----------------------------|-------|----------|-------------|--|
| EXAM INIT. | | DOCUMENT NUMBER | | | | | | | PUBLICATION DATE | COUNTRY OR PATENT OFFICE | CLASS | SUBCLASS | Translation | |
| | | YES | NO | | | | | | | | | | | |
| | DW | 2 | 0 | 7 | 4 | 5 | 4 | 2 | 11/04/1981 | United Kingdom | | | | |
| | DX | 2 | 1 | 2 | 8 | 0 | 8 | 3 | 04/26/1984 | United Kingdom | | | | |
| | DY | 2 | 2 | 1 | 2 | 1 | 3 | 6 | 07/19/1989 | United Kingdom | | | | |
| | DZ | 2 | 2 | 5 | 2 | 7 | 0 | 8 | 08/19/1992 | United Kingdom | | | | |

| EXAM INIT. | | OTHER MATERIALS | | | | | | | | | | | |
|---------------|----|--|--|--|--|--|--|--|--|--|--|--|--|
| | | (Including, Author, Title, Date, Relevant Pages, Place of Publication.**) | | | | | | | | | | | |
| | EA | Speed Cover Brochure, "The Simple Solution For Those Peak Volume Periods", Highland Supply Corporation, ©1989. | | | | | | | | | | | |
| | EB | "Speed Sheets and Speed Rolls" Brochure, Highland Supply Corporation, ©1990. | | | | | | | | | | | |
| | EC | "A World of Cut Flower and Pot Plant Packaging" Brochure, Klerk's Plastic Products Manufacturing, Inc., published prior to March 31, 1994, 6 pages. | | | | | | | | | | | |
| | ED | Chantler & Chantler brochure showing Zipper Sleeve™ and Florasheet®, published prior to March 31, 1994, 2 pages. | | | | | | | | | | | |
| | EE | "Silver Linings" Brochure, Affinity Diversified Industries, Inc., 1986. The Silver Linings brochure shows a floral sleeve with a closed bottom. The brochure shows, in one embodiment, a vase with flowers inside a "cut flower" sleeve with the sleeve tied with a ribbon about the neck of the vase. | | | | | | | | | | | |
| | EF | "Creative Packaging" Brochure, John Henry Company, Sept. 1992. | | | | | | | | | | | |
| | EG | "Make Highlander Your Headquarters" Brochure, Highland Supply Corporation, 1991. | | | | | | | | | | | |
| | EH | "Lace Bouquet Plastifoil" (Photo-Upper Surface) For sale at least since 1990. The photo shows a sheet of foil completely laminated to a larger film sheet having a lace pattern printed thereon; see U.S. Patent 4,216,620, Figure 7. | | | | | | | | | | | |
| | EI | "Lace Bouquet Plastifoil" (Photo-Lower Surface) For sale at least since 1990. The photo shows a sheet of foil completely laminated to a larger film sheet having a lace pattern printed thereon; see U.S. Patent 4,216,620, Figure 7. | | | | | | | | | | | |

| | |
|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
|----------|-----------------|

EXAMINER: Initial if citation considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant. **Place of Publication refers to name of publication in which the information was published.